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Of Attorneys for Defendants Robert D. Thornton, M.D.,
Bruce Goodwin, PA-C, Family Care and Urgent Medical
Clinics, and Family Urgency Care Clinics

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TERESA L. LUKE and ANDREW R.)
LUKE, individually and on behalf of their)
marital community; and TERESA L. LUKE,)
as Guardian ad Litem for her minor children,)
HAYDEN R. LUKE and RILEY A LUKE,)

Plaintiffs,)

v.)

EMERGENCY ROOMS, P.S., a Professional)
Service Corporation of Washington state)
d/b/a FAMILY CARE AND URGENT)
MEDICAL CLINICS and FAMILY)
URGENCY CARE CLINICS)
MINNEHAHA; ROBERT D. THORNTON,)
M.D.; HOWARD BRUCE GOODWIN, PA-)
C; JERRY J. FISHER, M.D; STEPHEN E.)
PLISKA, M.D. AND DARRELL M.)
MILLER, M.D.; HI-SCHOOL PHARMACY,)
INC., a Corporation of Washington state,)
d/b/a HI-SCHOOL TRUE VALUE)
HARDWARE #4600; and MINNEHAHA)
DRUGS, INC. a Corporation of Washington)
State, d/b/a HI SCHOOL PHARMACY,)

Defendants.)

No. C04 5759 FDB

JOINT MOTION FOR APPROVAL
OF STIPULATION REGARDING
EXPERT WITNESSES, AND
[PROPOSED] ORDER

NOTE ON MOTION CALENDAR
AUGUST **, 2005

I. INTRODUCTION AND MOTION

Come now the parties hereto and jointly move the Court for an Order approving a stipulation between the parties regarding expert witnesses. By their stipulation the parties agree

- 1) that detailed expert reports will be exchanged, in accordance with FRCP 26(a)(2)(B), but that such reports need not be “prepared and signed” by the expert, and
- 2) that, in addition to matters addressed in the expert witness disclosure statements to be exchanged by all parties, expert witnesses are also permitted to testify regarding any matters which were addressed in their depositions.

II. STIPULATION

The parties hereby stipulate as follows:

- 1) Expert disclosures and reports will be exchanged in accordance with the calendar established by the Court, but such reports need not be “prepared and signed” by each expert; and
- 2) In addition to being permitted to testify about matters addressed in each expert witness’ disclosure, a properly disclosed expert is also permitted to testify regarding any matters addressed in that expert’s deposition.

The purpose of the foregoing stipulations is, respectively, 1) to facilitate preparation and exchange of reports and 2) to allow testimony regarding relevant matters which may have been

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omitted from the disclosure statements, where the omission causes no prejudice since the omitted matter was addressed in an expert's deposition.

Respectfully submitted.

DATED this _____ day of August, 2005

HOFFMAN, HART & WAGNER, LLP

By: _____
Michael D. Hoffman, WSB No. 12349
Stephen R. Rasmussen, WSB No. 18757

Of Attorneys for Defendants Emergency Rooms,
P.S., Robert D. Thornton, M.D., Howard Bruce
Goodwin, PA-C, Jerry J. Fisher, M.D., Stephen E.
Pliska, M.D., and Darrell M. Miller, M.D.

SO STIPULATED AND MOVED.

DATED this _____ day of August, 2005

MORROW & OTOROWSKI

By: _____
Christopher L. Otorowski, WSB No. 8248
Of Attorneys for Plaintiffs

SO STIPULATED AND MOVED.

DATED this _____ day of August, 2005

SLOAN BOBRICK OLDFIELD & HELSDON,
P.S.

By: _____
Peter J. Kesling, WSB No. 29342
Of Attorneys for Hi School Pharmacy Defendants

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ORDER

The foregoing motion came before the Court on the stipulation of the parties. The Court, having considered the foregoing Stipulation and Motion, and good cause appearing therefore, HEREBY APPROVES the foregoing Stipulation.

Dated this 26th day of September 2005.

A handwritten signature in black ink, appearing to read 'Franklin D. Burgess', is written over a horizontal line.

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE